

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 8, 1997

DIVISION ONE

[illegible]

The judgment is modified to reflect custody credits of 1285 days, comprised of 857 days of actual custody and 428 days of conduct credits. An amended abstract of judgment is to issue. As modified, the judgment is affirmed.

Ortega, Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B110106	Los Angeles County, D.C.S. v. Aubrey S.	(Not for Publication)
B111662	In re Aubrey S. on Habeas Corpus	

We dismiss the appeal as moot. We grant the petition for habeas corpus. We direct the juvenile court to vacate its order terminating Father's parental rights, vacate its order setting the section 366.26 hearing as to Father, and enter a new and different order, resuming the one-month status of the case as to Father and providing him with a new period of reunification services.

Ortega, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B101777 Wong et al. (Not for Publication)
 v.
 Richard et al.

We reverse the orders denying the Wongs' motions to file a second amended complaint alleging negligent construction and warranty breach causes of action, and to designate additional experts and additional testimony from their previously designated experts. We also reverse the resulting judgment. We remand the case to the trial court with instructions to grant the motions and set the case for a new trial. The Wongs are entitled to their costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Dunn, J. (Assigned)

B106678 People (Not for Publication)
 v.
 Echeverria

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B110372 People (Not for Publication)
 v.
 Jorge Amilcar C.

The Court:

The order continuing wardship is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

September 8, 1997-Continued

DIVISION TWO (Continued)

B091435 People (Not for Publication)

v.
Lewis, et al.

The Court:

The judgment as to Lodge is modified to provide that the firearm use enhancement in count two is four years. In all other respects, the judgments are affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B104316 People (Not for Publication)

v.
Mis

The Court:

The judgment is modified to reflect 37 days of presentence conduct credit and a total of 289 days of presentence credit. In all other respects, the judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B106894 People (Not for Publication)

v.
Jones

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

September 8, 1997-Continued

DIVISION TWO (Continued)

B107431 People (Not for Publication)
v.
White

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B105926 People (Not for Publication)
v.
Manual V.

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B101149 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Boren, P.J.

We concur: Fukuto, J.
 Nott, J.

DIVISION THREE

[illegible]

The judgment of conviction is affirmed. The matter is remanded for resentencing in accordance with *People v. Superior Court (Romero)*, supra, 13 Cal.4th at pages 529-530. In so doing, this court specifically expresses no opinion on how the trial court should exercise its discretion or the sentence to be imposed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B100749 People (Not for Publication)
v.
Peebles

The Court:

The judgment is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

B104211 People (Not for Publication)
v.
Young

The Court:

The judgment is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

September 8, 1997-Continued

DIVISION THREE (Continued)

[illegible]

The Court:

The judgment (order continuing minor a ward of the court) is affirmed.

Klein, P.J., Croskey, J., Kitching, J.

B108513 People v. Macon (Not for Publication)

The Court:

The judgments are affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

DIVISION FOUR

B103651 People (Not for Publication)
v.
Comres, et al.

The judgments are affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B112837 Cardinal Investment Company, et al. (Not for Publication)
v.
Superior Court of Los Angeles County
Forn, et al.

The petition for writ of mandamus is granted. Let a peremptory writ of mandate issue directing respondent superior court to vacate that portion of its June 4, 1997, order severing case No. BC166524, and to reassign the consolidated action. Petitioners to recover costs.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B109517 Soto (Not for Publication)
v.
Workers' Compensation Appeals Board
Citation Insurance Company, et al.

The Board's order is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B104213 People (Not for Publication)
v.
Robert Montanez

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

September 8, 1997-Continued

DIVISION FIVE (Continued)

B106725 People (Not for Publication)
v.
Derril Peck

The judgment is modified to reflect a life sentence with a minimum term of 25 years. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B110179 G. Balasubramani (Not for Publication)
v.
Merrill Lynch Pierce Fenner & Smith, Inc.

The judgment is affirmed. Merrill Lynch's request for sanctions on appeal is denied. Balasubramani is to pay Merrill Lynch's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B104268 People (Not for Publication)
v.
Steven Dobbins

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

September 8, 1997-Continued

DIVISION FIVE (Continued)

B106155 People (Not for Publication)

V.

David Silva

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B108714 People (Not for Publication)

V.

Katrina D. Gee

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Godoy Perez, J.

B104570 People (Not for Publication)

V.

Rickey Moore

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

DIVISION FIVE (Continued)

B104743 Louis J. Giovani (Not for Publication)
 v.
 Frank Wright et al.

The judgment is affirmed. Plaintiff to bear costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B106570 Los Angeles County, D.C.S.
 v.
 Farit B.

Filed order denying petition for rehearing.

DIVISION SIX

B110140 Kapelus (Not for Publication)
 v.
 Utter et al.

The judgment is affirmed. Costs are awarded to respondents.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B104666 Quackenbush (Certified for Publication)

v.

Superior Court, Santa Barbara County

(Lyons, r.p.i.)

Let a writ of mandate issue instructing the trial court to vacate its order overruling the demurrer and to sustain the demurrer and dismiss the complaint. The alternate writ having served its purpose is discharged. Petitioners are to recover costs.

Gilbert, J.

We concur: Stone, P.J.

 Yegan, J.

B104667 Quackenbush (Not for Publication)

v.

Superior Court, Santa Barbara County

(Western Village Shopping Center, r.p.i.)

Let a writ of mandate issue instructing the trial court to vacate its order overruling the demurrer and to sustain the demurrer and dismiss the complaint. The alternate writ having served its purpose is discharged. Petitioners are to recover costs.

Gilbert, J.

We concur: Stone, P.J.

 Yegan, J.

September 8, 1997-Continued

DIVISION SIX (Continued)

(Certified for Publication)

B106212 Service Employees International Union, Local 620 et al.
v.
City of Santa Barbara et al.

The ruling of the trial court is affirmed. The stay is dissolved. The parties are to bear their own costs.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

B110709 People (Not for Publication)
v.
Rubalcava

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.